

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

MITCHELL FERNSLER, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
vs.                    )                            Case No. 4:16-cv-01907-RWS  
                          )  
                          )  
ALLIED PROPERTY & CASUALTY )  
COMPANY,              )  
                          )  
Defendant.            )

**DEFENDANT ALLIED PROPERTY & CASUALTY COMPANY'S  
UNOPPOSED MOTION FOR PROTECTIVE ORDER  
AND SUGGESTIONS IN SUPPORT**

COMES NOW Defendant Allied Property & Casualty Company (hereinafter "Allied"), by and through its counsel, and pursuant to Rule 26(c) hereby moves for the entry of a Protective Order regarding the production of its discovery in this matter. In support of this Motion, Allied states as follows:

1. Plaintiff Mitchell Fernald (hereinafter "Plaintiff") has filed this suit for breach of contract regarding Underinsured Motorist (UIM) benefits against Allied, as well as seeking vexatious penalties.
2. Plaintiff has served Allied with Plaintiff's First Interrogatories and Request for Production of Documents. Allied believes that Plaintiff's opening discovery seeks materials which contain confidential information relating to the business trade secrets and procedures of Allied, and therefore requests that any such information revealed in discovery be limited to disclosure between the parties of this suit and the Court.
3. Pursuant to Rule 26(c)(1), if a defendant moves for a protective order, "the court may,

for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: . . . (g) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way;”

4. Counsel for Allied has conferred with Plaintiff’s counsel who has reviewed and agreed to the proposed Stipulation and Protective Order attached hereto as **Exhibit A**.

5. Pursuant to Rule 26(c)(1), included with this Motion is a Certification that counsel for Allied has conferred with counsel for Plaintiff in a good-faith effort to resolve the discovery issues addressed herein, and that Plaintiff’s counsel has no objection to this Motion or the proposed Stipulation and Protective Order attached hereto as **Exhibit A**.

WHEREFORE Defendant Allied Property & Casualty Company prays the Court enter the proposed Stipulation and Protective Order attached hereto as **Exhibit A**, and for such other and further relief that the Court deems necessary and proper.

Respectfully submitted,

**FRANKE SCHULTZ & MULLEN, P.C.**

/s/ Christopher A. Brackman

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Attorney for Defendant

## **CERTIFICATION**

STATE OF Illinois )  
COUNTY OF Johnson ) ss

Christopher A. Brackman, being duly sworn upon oath, states that he is an attorney for Defendant Allied Property & Casualty Company in this matter, that he has made a good faith effort to settle discovery differences with the attorney for Plaintiff, that Plaintiff's counsel indicated he has no objection to this Motion and has agreed to the entry of the proposed Stipulation and Protective Order attached hereto as **Exhibit A**.

Further affiant states not.



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CHRISTOPHER A. BRACKMAN

Subscribed and sworn to before me this 27th day of June, 2017.

Hilary Lany  
NOTARY PUBLIC

MY COMMISSION EXPIRES:



**Certificate of Service**

It is hereby certified that a copy of the foregoing was emailed and served via ECF on this 27<sup>th</sup> day of June 2017 on:

Scott Kolker  
DEFEO & KOLKER, LLC  
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Clayton, Missouri 63105  
[slk@defeokolker.com](mailto:slk@defeokolker.com)  
**Attorney for Plaintiff**

*/s/ Christopher Brackman*

**Attorney for Defendant**